

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
Federal-State Joint Board on)
Universal Service)

CC Docket No. 96-45

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Comments of the Colorado State Libraries
Submitted May 6, 1996

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I. Introduction and Executive Summary

On behalf of all libraries in Colorado, the Colorado State Library welcomes the opportunity to reply to the comments submitted on April 12 and add additional comments for consideration. Colorado libraries have consistently supported including on-line technologies for their customers as a way to ensure access to information for all state residents regardless of income or location.

For example, the Colorado State Library established the Access Colorado Library and Information Network (ACLIN) in 1992 as a vehicle for contributing to informed and productive citizens, supporting lifelong learning and individual growth, and enhancing the cultural fabric of our society. Libraries, state agencies and non-profit organizations across the state contribute information resources to the network. Before ACLIN, existing library networks were accessible either by walking into a particular library, or by a local phone call in the Denver, Colorado Springs, and Grand Junction calling areas. This meant that approximately one-third of all Coloradans did not have free dial-up access. In addition, there were many information databases not available through these networks. As ACLIN and the library system mature, these proceedings will have a profound effect on our ability to continue serving all Coloradans.

Telecommunications systems are the backbone for our resource sharing. No library is capable of providing everything users need; together we have developed ground-breaking ways to convey information. Communities across the state cooperate to equalize access for everyone, exemplifying the goals and principles of the universal service provisions of the Telecommunications Act of 1996 (the Act).

To assist the decisionmaking in this proceeding, we recommend that the Commission:

- utilize definitions for rural areas that address the differences between rural and frontier areas;
- broadly define core services to allow for local dial-up capabilities in every local Central Office run by a telecommunications company;

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- employ Total Service Long Run Incremental Cost (TS-LRIC) as a methodology to establish regional discounts for "special services" provided in a community;
- construe a re-sale definition that does not preclude libraries from constructive collaborative activities; and
- carefully consider the interaction of Section 254 and Section 303 of the Telecommunications Act so that current cable industry requirements imposed by local authorities are not eliminated in the process of these proceedings.

II. Support for Rural, Insular and High-Cost Areas (Paragraph 14)

The recognition of the specific needs of rural, insular and high cost areas in the Telecommunications Act of 1996 (the Act) is gratifying. Colorado is, in general, a rural state with at least one third of its population living in remote areas. Based on our own experience, we recommend that the Board and Commission further consider delineating rural areas into two designations: rural and frontier. Rural areas are sparsely populated. However, frontier areas are the most remote areas of the country with less than 6 people per square mile. Our concern is that by designating all areas rural frontier areas will continue to be neglected because a discount to a typical rural area will not be enough to support serving a frontier area.

Other commenters have recommended that the Board and Commission contact the Department of Health and Human Services' Health Resources and Services Administration (HRSA) to find out how they designate and administer rural areas. HRSA utilizes distinct definitions for rural and frontier areas that assure all Americans have access to health services. We believe the Act's principles and language direct the Board and Commission to do the same with telecommunication services and recommend that the problem of frontier areas be specifically addressed in rulings resulting from these proceedings.

III. Support for Broadly-Defined Core Services (Paragraph 16-23)

We strongly support the NPRM inclusion of voice-grade quality access, touch-tone, single party lines and DTMF for all rural residents because all are necessary for entry-level access to the Internet. Many commenters familiar with the situations in rural areas have also endorsed these provisions.

We would like to add that the Board and the Commission should strongly consider unbundled broadband and transmission technology and broadband wireless services since these will be important for cost-effective dissemination of graphic and multimedia information as it becomes available. Without this support, rural areas, particularly frontier areas, will continue to lag far behind

their urban counterparts. Further, we believe additional services, such as free directory assistance, as well as reliable and timely service upgrades and repairs are important for rural and frontier areas that have long been neglected in the telecommunications world. For adequate access to the services recommended by the NPRM and to assure that further decline is halted, we believe these services should be considered.

IV. Support for Employing Total Service Long Run Incremental Cost (TS-LRIC) Methodology for Discounts (Paragraph 83)

We support the American Library Association's (ALA's) recommendation that "(a)ny telecommunications service offered commercially under tariff or through contract in a region should be made available to libraries at the lower of either (1) the lowest price offered to any customer, or (2) the Total Services Long Run Incremental Cost (TS-LRIC). It is particularly advantageous to the overall goals of the Act because this would not require reimbursement from the universal service fund nor offsets to carrier contributions. This would allow better use of the fund for supporting libraries in rural, insular, and high-cost areas. The ALA comments of April 10, 1996 delineate a methodology for consideration (pages 16-20 and Appendix J).

V. Term and Conditions for Discount Eligibility (Paragraph 86)

We concur with the comments submitted by others that the Board and Commission should carefully consider its definition of education. Libraries are educational institutions that support community residents through their formal instruction in school and, in addition, provide life-long learning opportunities for all residents regardless of age, race, or income status. It is important to recognize that unlike previous eras, Americans today change jobs more frequently and according to recent studies, are expected to change avocations on average 4 times during their working years. To support this evolving professional development, libraries offer important opportunities to meet these demands.

Secondly, we understand the Board and Commission's concern regarding the resale of discounted services for a profit. However, we support previously submitted comments that the requirements not preclude items like computer lab fees for students, or user fees for special applications, resources or services. Communities benefit substantially from state and regional consortia and multitype library and education arrangements because shared resources reach a larger population at a lower cost than each institution can offer on its own. Transferring funds between these institutions to support such efforts should not trigger ineligibility for discounts.

VI. Caution Regarding Interaction between Sections 254 and 303 of the Telecommunications Act

It has come to our attention that current law, as established by the Cable Act of 1984, and Section 303 of the Act afford local authorities the ability to require cable companies to provide free institutional networks to schools, libraries and other public institutions. While not every community takes advantage of this capability, we would recommend that the Board and Commission reaffirm this requirement in the context of the Universal Service provisions while it develops the discount provisions established in Section 254 of the Act so that it does not preclude local authorities from utilizing this benefit.

VII. Conclusion

The Colorado State Library thanks you for this additional opportunity to comment and respectfully requests the inclusion of these recommendations in the Board and Commission's final rulings.

Respectfully submitted by,

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